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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/752,570

12/29/2000

Richard Mooré JR.

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9817

24375

7590

09/20/2004

VOLPE AND KOENIG, P.C.

DEPT. MOT

UNITED PLAZA, SUITE 1600

30 SOUTH 17TH STREET

PHILADELPHIA, PA 19103

EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/752,570

**Applicant(s)**

MOORE ET AL.

**Examiner**

Ricardo Pizarro

**Art Unit**

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-10 and 12-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 2-13 are objected to because of the following informalities and it is suggested to applicant:

In claim 2 line 2 insert "in" before -home-.

In claim 10 line 3 replace "distributed" with -distribute-

In claim 11 line 5 replace the first occurrence of "the" with -a-.

In claim 12 line 7 replace "to the request" with -requested to-.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of Hattig

US patent No. 6,452,923 ( Gerszberg et al) discloses Cable connected WAN interconnectivity services for corporate telecommuters , comprising: an arrangement for providing a communication interface (i.e. IRG 22-1 in Fig. 1D) between a hybrid fiber

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coaxial (HFC) network and an in-home communications network, the arrangement comprising a home networking gateway ( Integrated residence gateway 22-1 in Fig. 1D ) disposed to communicate with the HFC network (i.e. FIG. 1C illustrates an embodiment of FIG. 1B where an integrated residence gateway and coaxial cable facilities management platform [C-FMP] provide enhanced residence services via hybrid fiber coaxial cable distribution plant access, col 4 lines 1-5) and couple communications to the in-home network ( i.e Customer premises Distribution network in Fig. 1C comprising a plurality of in-home devices), the home networking gateway including a translator for mapping between HFC-based communication protocols and in-home network-based protocols (translator function performed by processor 102 of Integrated residence gateway 22 in Fig. 2 that performs various protocol conversion functions, col 18 lines 11-26), said home networking gateway for performing network management of said in-home network (IRG 22 performs dynamic bandwidth allocation, additionally processor 102 in IRG 22 manages – monitors- devices connected to the premises and stores information concerning said devices, col 18 lines 16-18, the processor 102 may be configured to discriminate between the different types of traffic and to route this traffic to an appropriate device, col 19 lines 25-27 ), a device database coupled to said home networking gateway and comprising configuration files associated with various in-home telecommunication devices ( IRG can determine the pieces of equipment which will be used by employees, information can be stored in a database, col 42 lines 25-32); a service level agreement database coupled to said home networking gateway and comprising a listing of authorized services for the in-home network, class of service information and quality of service information (options of bandwidth service

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are also available. For example customers who purchase lower tier of service may have a lower priority in bandwidth use, col 39 lines 10-14, database in Figs. 30-33, col 39 lines 54-60), as in claim 1.

A method of providing network management for an in-home network of communication devices coupled to an external HFC network (i.e. FIG. 1C illustrates an embodiment of FIG. 1B where an integrated residence gateway and coaxial cable facilities management platform [C-FMP] provide enhanced residence services via hybrid fiber coaxial cable distribution plant access, col 4 lines 1-5) through a home networking gateway interface ( Integrated residence gateway 22-1 in Fig. 1D and Fig. 1E), including a home networking gateway device, as in claim 11.

Gerszberg did not specifically disclose a device discovery method in the network, as in claims 1 and 11; neither specifically disclosed reporting the discovered information to an inventory management system, as in claim 11.

However Us patent No. 6, 775,244 ( Hattig) discloses Gathering of device discovering information, comprising : in a home network ( col 1 lines 43-47) , using a home networking gateway -network node- ), a device discovery process to determine the plurality of devices and services existing in the in-home network ( device discovery information, col 2 line 16, col 2 lines 49-53) as claims 1 and 11; and reporting the discovered information to an inventory management system (Broadcast discovery can be used to update an existing list of devices in the network -i.e. network inventory, col 3 lines 5-6) , as in claim 11.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the device discovery and device inventory method as

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disclosed by Hattig to the Wan interconnectivity services method for corporate telecommuters disclosed by Gerszberg with the motivation of obtaining a network gateway device that can identify the particular type of devices in the network and that can accurately and completely identify the physical connectivity of devices in the network.

***Allowable Subject Matter***

4. Claims 2-10 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Please also notice objection to claims under 37 CFR 1.75

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - US patent no. 6,697,864 (Demirtjis et al) discloses an architecture for network access through a cable system.
  - US patent No. 6,546,017 (Khaunte et al) discloses a technique for supporting tiers of traffic priority levels in a packet switched network.
  - US patent No. 6,723,315 (Iyagii et al) discloses Home networking over phone lines.
  - US patent no. 6,792,323 (Kryzanowski et al) discloses a method for managing controlled residential environments.

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- Publication "Datalink Push2Tset tool" discloses software that includes discovery of a home network elements.
- Publication "Network inventory tool" discloses an inventory tool that discovers, recognizes and reports on the software and hardware of a network.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** on (571) 272-3078.

September 17, 2004

*Ricardo M. Pizarro*

